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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,712	11/14/2003	Hiu-Ming Eric Lam	M1103.70561US00	2286

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EXAMINER
GORTAYO, DANGELINO N

ART UNIT	PAPER NUMBER
2168	

MAIL DATE	DELIVERY MODE
06/24/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Advisory Action **Before the Filing of an Appeal Brief**	10/713,712	LAM ET AL.
	Examiner	Art Unit
	DANGELINO N. GORTAYO	2168

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>08 June 2009</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☒ The period for reply expires <u>3</u> months from the mailing date of the final rejection.

   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b)☐ They raise the issue of new matter (see NOTE below);

   (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

      NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: _____.

   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

/Tim T. Vo/ Supervisory Patent Examiner, Art Unit 2168	*/Dangelino N Gortayo/* Examiner, Art Unit 2168

 Continuation of 11. does NOT place the application in condition for allowance because: The applicant's arguments are already addressed in the final office action mailed on 3/6/2009. The applicant argues on page 16 of the request for reconsideration that cited art does not teach the limitation "data store object source code generator configured to generate object-oriented programming language source code for each data store object component of an object-oriented heterogeneous data store interface". Applicant is reminded to refer to page 5 of the final office action for addressing the issue. Specifically, column 20 line 58 - column 21 line 56 of Chang discloses a federated query to execute queries across heterogeneous datastores, represented as a query object. The class definition of the federated query is disclosed in column 21 lines 17-30, wherein java code representation of the query is displayed, which is utilized to query across heterogeneous data stores. The federated query object is the product of the generated query, and the query evaluator class which creates and processes queries. As disclosed previously, and specifically in column 7 line 58 - column 8 line 40, a query object is created by a query evaluator class for a specific data store. Column 22 lines 25-67 further teach Dynamic Data Objects that are utilized in a query for heterogeneous database, with a java representation shown as well. The prior art of Chang utilizes the Java Class library to make the queries, which is understood in the art to be an object-oriented programming language. When a query is generated, a query object is created based on the federated query representation for specific data stores. The examiner interprets the creation and processing of query objects to disclose the generation of object-oriented programming language source code for each data store object component.

As to the argument that Chang in view of Georgalas and further in view of Tamboli does not teach the limitations of claims 23-24 and 26-31, Applicant is respectfully directed to page 18 of the final office action and the above, wherein Chang in view of Georgalas teaches data store object source code generator configured to generate object-oriented programming language source code for each data store object component of an object-oriented heterogeneous data store interface, and the prior art of Tamboli is incorporated in the prior art of Chang and Georgalas to teach generating object oriented programming language source code corresponding to XML data store object definitions generated from graphical representation, as disclosed in column 10 lines 32-58, column 16 lines 12-38, and column 21 lines 41-53 of Tamboli.